

(2) State of Alaska laws that are in addition to, and not in conflict with, the regulations in this part are not preempted for vessels registered under the laws of the State fishing for scallops in the Federal waters off Alaska.

(i) *Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude (Salmon FMP)*. Regulations in this part govern fishing for salmon by fishing vessels of the United States in the EEZ seaward of Alaska east of 175° E. long., referred to as the High Seas Salmon Management Area.

[61 FR 31230, June 19, 1996, as amended at 61 FR 38103, July 23, 1996; 61 FR 56429, Nov. 1, 1996; 62 FR 2045, Jan. 15, 1997; 62 FR 19687, Apr. 23, 1997]

§ 679.2 Definitions.

In addition to the definitions in the Magnuson-Stevens Act and in part 600 of this chapter, the terms used in this part have the following meanings:

Active/inactive periods—(1) *Active periods*—(i) *Catcher vessel*. An active period for a catcher vessel means a period of time when the catcher vessel is in a reporting area (except 300, 400, 550, or 690) or gear remains on the grounds in a reporting area (except 300, 400, 550, or 690), regardless of the vessel location.

(ii) *Shoreside processor, mothership, catcher/processor, and buying station*. An active period for a shoreside processor, mothership, catcher/processor, and buying station means a period of time when checked in.

(2) *Inactive periods*—(i) *Catcher vessel*. An inactive period for a catcher vessel means any period that does not qualify as an active period.

(ii) *Shoreside processor, mothership, catcher/processor, or buying station*. An inactive period for a shoreside processor, mothership, catcher/processor, or buying station means a period of time when not checked in.

Adequate evidence, for purposes of subpart E of this part, means information sufficient to support the reasonable belief that a particular act or omission has occurred.

ADF&G means the State of Alaska Department of Fish and Game.

Affiliates, for purposes of subpart E of this part, means business concerns, organizations, or individuals are affili-

ates of each other if, directly or indirectly, either one controls or has the power to control the other, or a third party controls or has the power to control both. Indicators of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the decertification, suspension, or proposed decertification of an observer contractor that has the same or similar management, ownership, or principal employees as the observer contractor that was decertified, suspended, or proposed for decertification.

Alaska local time (A.L.T.) means the current Alaska time, either daylight savings time or standard time.

Alaska State waters means waters adjacent to the State of Alaska and shoreward of the EEZ off Alaska.

Aleutian Islands Subarea (AI) of the BSAI means that portion of the EEZ contained in Statistical Areas 541, 542, and 543 (see Figure 1 of this part).

Authorized distributor means a tax-exempt organization authorized by NMFS to coordinate the processing, storage, transportation, and distribution of salmon taken as bycatch in the groundfish trawl fisheries to tax-exempt hunger relief agencies, food bank networks, and food bank distributors.

Authorized fishing gear means dive fixed gear, hook-and-line, jig, longline, longline pot, nonpelagic trawl, nontrawl, pelagic trawl, pot-and-line, scallop dredge, trawl, hand troll gear, and power troll gear:

(1) *Dive* means any scuba or surface supported diving equipment that allows for the underwater harvest of scallops by divers, or the taking of scallops by means of such gear.

(2) *Fixed gear* means:

(i) For sablefish harvested from any GOA reporting area, all hook-and-line gear and, for purposes of determining initial IFQ allocation, all pot gear used to make a legal landing.

(ii) For sablefish harvested from any BSAI reporting area, all hook-and-line gear and all pot gear.

(iii) For halibut harvested from any IFQ regulatory area, all fishing gear

comprised of lines with hooks attached, including one or more stationary, buoyed, and anchored lines with hooks attached.

(3) *Hook-and-line* means a stationary, buoyed, and anchored line with hooks attached, or the taking of fish by means of such a device.

(4) *Jig* means a single, non-buoyed, non-anchored line with hooks attached, or the taking of fish by means of such a device.

(5) *Longline* means a stationary, buoyed, and anchored line with hooks or two or more groundfish pots attached, or the taking of fish by means of such a device.

(6) *Longline pot* means a stationary, buoyed, and anchored line with two or more pots attached, or the taking of fish by means of such a device.

(7) *Nonpelagic trawl* means a trawl other than a pelagic trawl.

(8) *Nontrawl* means hook-and-line, jig, longline, and pot-and-line gear.

(9) *Pelagic trawl* means a trawl that:

- (i) Has no discs, bobbins, or rollers;
- (ii) Has no chafe protection gear attached to the footrope or fishing line;
- (iii) Except for the small mesh allowed under paragraph (9)(ix) of this definition:

(A) Has no mesh tied to the fishing line, headrope, and breast lines with less than 20 inches (50.8 cm) between knots and has no stretched mesh size of less than 60 inches (152.4 cm) aft from all points on the fishing line, headrope, and breast lines and extending past the fishing circle for a distance equal to or greater than one half the vessel's LOA; or

(B) Has no parallel lines spaced closer than 64 inches (162.6 cm) from all points on the fishing line, headrope, and breast lines and extending aft to a section of mesh, with no stretched mesh size of less than 60 inches (152.4 cm) extending aft for a distance equal to or greater than one half the vessel's LOA;

(iv) Has no stretched mesh size less than 15 inches (38.1 cm) aft of the mesh described in paragraph (9)(iii) of this definition for a distance equal to or greater than one half the vessel's LOA;

(v) Contains no configuration intended to reduce the stretched mesh

sizes described in paragraphs (9)(iii) and (iv) of this definition;

(vi) Has no flotation other than floats capable of providing up to 200 lb (90.7 kg) of buoyancy to accommodate the use of a net-sounder device;

(vii) Has no more than one fishing line and one footrope for a total of no more than two weighted lines on the bottom of the trawl between the wing tip and the fishing circle;

(viii) Has no metallic component except for connectors (e.g., hammerlocks or swivels) or a net-sounder device aft of the fishing circle and forward of any mesh greater than 5.5 inches (14.0 cm) stretched measure;

(ix) May have small mesh within 32 ft (9.8 m) of the center of the headrope as needed for attaching instrumentation (e.g., net-sounder device); and

(x) May have weights on the wing tips.

(10) *Pot-and-line* means a stationary, buoyed line with a single pot attached, or the taking of fish by means of such a device.

(11) *Scallop dredge* means gear consisting of a mouth frame attached to a holding bag constructed of metal rings, or any modification to this design that can be or is used in the harvest of scallops, or the taking of scallops by means of such gear.

(12) *Trawl* has the meaning specified in §600.10 of this chapter. For purposes of this part, this definition includes, but is not limited to, Danish seines and otter trawls.

(13) *Hand troll gear* means, for purposes of the High Seas Salmon Fishery, one or more lines with lures or hooks attached, drawn through the water behind a moving vessel, and retrieved by hand or hand-cranked reels or gurdies and not by any electrically, hydraulically, or mechanically-powered device or attachment.

(14) *Power troll gear* means, for purposes of the High Seas Salmon Fishery, one or more lines, with hooks or lures attached, drawn through the water behind a moving vessel, and originating from a power gurdy or power-driven spool fastened to the vessel, the extension or retraction of which is directly to the gurdy or spool.

Basis species means any species or species group that is open to directed

fishing that the vessel is authorized to harvest.

Bering Sea and Aleutian Islands Area, for purposes of regulations governing the commercial King and Tanner crab fisheries, means those waters of the EEZ off the west coast of Alaska lying south of Point Hope (68°21' N. lat), and extending south of the Aleutian Islands for 200 nm west of Scotch Cap Light (164°44'36" W. long).

Bering Sea and Aleutian Islands Management Area (BSAI), for purposes of regulations governing the groundfish fisheries, means the Bering Sea and Aleutian Islands subareas (see Figure 1 of this part).

Bering Sea Subarea of the BSAI means that portion of the EEZ contained in Statistical Areas 508, 509, 512, 513, 514, 516, 517, 518, 519, 521, 523, 524, and 530 (see Figure 1 of this part).

Bogoslof District means that part of the Bering Sea Subarea contained in Statistical Area 518 (see Figure 1 of this part).

Breast line means the rope or wire running along the forward edges of the side panels of a net, or along the forward edge of the side rope in a rope trawl.

Briefing means a short (usually 2-4 day) training session that observers must complete to fulfill certification requirements.

Buying station means a person or tender vessel that receives unprocessed groundfish from a vessel for delivery to a shoreside processor or mothership and that does not process those fish.

Bycatch Limitation Zone 1 (Zone 1) means that part of the Bering Sea Subarea that is contained within the boundaries of Statistical Areas 508, 509, 512, and 516 (see Figure 1 of this part).

Bycatch Limitation Zone 2 (Zone 2) means that part of the Bering Sea Subarea that is contained within the boundaries of Statistical Areas 513, 517, and 521 (see Figure 1 of this part).

Bycatch rate means:

(1) For purposes of § 679.21(f) with respect to halibut, means the ratio of the total round weight of halibut, in kilograms, to the total round weight, in metric tons, of groundfish for which a TAC has been specified under § 679.20 while participating in any of the fisheries defined under § 679.21(f).

(2) For purposes of § 679.21(f) with respect to red king crab, means the ratio of number of red king crab to the total round weight, in metric tons, of BSAI groundfish for which a TAC has been specified under § 679.20 while participating in the BSAI yellowfin sole and BSAI "other trawl" fisheries, as defined under § 679.21(f).

Bycatch species means any species or species group for which a maximum retainable bycatch amount is calculated.

Catcher/processor means:

(1) With respect to groundfish record-keeping and reporting, a vessel that is used for catching fish and processing that fish.

(2) (Applicable through December 31, 1998). With respect to moratorium groundfish or crab species, a vessel that can be used as a catcher vessel and that can process or prepare fish to render it suitable for human consumption, industrial use, or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, freezing, and rendering into meal or oil, but not including heading and gutting unless additional preparation is done.

(3) With respect to subpart E of this part, a processor vessel that is used for, or equipped to be used for, catching fish and processing that fish.

Catcher vessel means:

(1) With respect to groundfish record-keeping and reporting and subpart E of this part, a vessel that is used for catching fish and that does not process fish on board.

(2) (Applicable through December 31, 1998). With respect to moratorium groundfish, as defined in paragraph (1) of this definition; with respect to moratorium crab species, a vessel that is used to catch, take, or harvest moratorium crab species that are retained on board as fresh fish product at any time.

Catcher Vessel Operational Area (CVOA) (see Figure 2 of this part and § 679.22(a)(5)).

CBL means crab bycatch limit.

Central Aleutian District means that part of the Aleutian Islands Subarea contained in Statistical Area 542 (see Figure 1 of this part).

Chief, RAM Division means Chief of the Restricted Access Management Division, NMFS, Alaska Region.

Chinook Salmon Savings Area of the BSAI (see § 679.21(e)(7)(vii)(B)).

Chum Salmon Savings Area of the BSAI CVOA (see § 679.21(e)(7)(vi)(B)).

Civil judgment, for purposes of subpart E of this part, means a judgment or finding of a civil offense by any court of competent jurisdiction.

Clearing officer means a NMFS special agent, a NMFS fishery enforcement officer, or a NMFS enforcement aide who performs the function of clearing vessels at one of the primary ports listed in § 679.5(l)(3)(viii).

Commercial fishing, for purposes of the High Seas Salmon Fishery, means fishing for fish for sale or barter.

Commissioner of ADF&G means the principal executive officer of ADF&G.

Community Development Plan (CDP) (applicable through December 31, 1998) means a business plan for the development of a specific Western Alaska community or group of communities under the CDQ Program at § 679.30.

Community Development Quota (CDQ) (applicable through December 31, 1998) means a percentage of the CDQ reserve for a particular fish species that is allocated to a CDP.

Community Development Quota Program (CDQ Program) (applicable through December 31, 1998) means the Western Alaska Community Development Quota Program implemented under subpart C of this part.

Community Development Quota Reserve (CDQ Reserve) (applicable through December 31, 1998) means a percentage of the TAC for a particular management area for pollock, halibut, or hook-and-line sablefish that has been set aside for purposes of the CDQ program.

Conviction, for purposes of subpart E of this part, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

Council means North Pacific Fishery Management Council.

Daily reporting period or day is the period from 0001 hours, A.l.t., until the following 2400 hours, A.l.t.

Debriefing means the post-deployment process that includes a one-on-one interview with NMFS staff, a NMFS preliminary data review, observer completion of all data corrections noted, observer preparation of affidavits and reports, and completion of tasks related to biological specimens or special projects.

Decertification, as used in § 679.50(j), means action taken by a decertifying official under § 679.50(j)(7) to revoke indefinitely certification of observers or observer contractors under this section; an observer or observer contractor whose certification is so revoked is decertified.

Decertifying official, for purposes of subpart E of this part, means a designee authorized by the Regional Administrator to impose decertification.

Deployment means the period between an observer's arrival at the point of embarkation and the date the observer disembarks for travel to debriefing.

Direct financial interest means any source of income to, or capital investment or other interest held by, an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or non-performance of observer or observer contractor duties.

Directed fishing means:

(1) With respect to groundfish record-keeping and reporting, any fishing activity that results in the retention of an amount of a species or species group on board a vessel that is greater than the maximum retainable bycatch amount for that species or species group as calculated under § 679.20.

(2) (Applicable through December 31, 1998). With respect to moratorium groundfish species, directed fishing as defined in paragraph (1) of this definition, or, with respect to moratorium crab species, the catching and retaining of any moratorium crab species.

Dockside sale means the transfer of IFQ halibut or IFQ sablefish from the person who harvested it to individuals for personal consumption, and not for resale.

Donut Hole means the international waters of the Bering Sea outside the limits of the EEZ and Russian economic zone as depicted on the current

edition of NOAA chart INT 813 Bering Sea (Southern Part).

Eastern Aleutian District means that part of the Aleutian Islands Subarea contained in Statistical Area 541 (see Figure 1 of this part).

Federal waters means waters within the EEZ off Alaska.

Fish product weight means the weight of the fish product in pounds or to at least the nearest thousandth of a metric ton (0.001 mt). Fish product weight is based upon the number of production units and the weight of those units. Production units include pans, cartons, blocks, trays, cans, bags, and individual fresh or frozen fish. The weight of a production unit is the average weight of representative samples of the product, and, for fish other than fresh fish, may include additives or water but not packaging. Any allowance for water added cannot exceed 5 percent of the gross product weight (fish, additives, and water).

Fishermen means persons who catch, take, or harvest fish.

Fishing circle means the circumference of a trawl intersecting the center point on a fishing line, and that is perpendicular to the long axis of a trawl.

Fishing day means a 24-hour period, from 0001 hours A.l.t. through 2400 hours A.l.t., in which fishing gear is retrieved and groundfish are retained. Days during which a vessel only delivers unsorted codends to a processor are not fishing days.

Fishing line means a length of chain or wire rope in the bottom front end of a trawl to which the webbing or lead ropes are attached.

Fishing month refers to a time period calculated on the basis of weekly reporting periods as follows: Each fishing month begins on the first day of the first weekly reporting period that has at least 4 days in the associated calendar month and ends on the last day of the last weekly reporting period that has at least 4 days in that same calendar month. Dates of each fishing month will be announced in the FEDERAL REGISTER published under § 679.21(f)(5).

Fishing trip means:

(1) With respect to monitoring compliance with groundfish directed fish-

ing closures, an operator of a vessel is engaged in a fishing trip from the time the harvesting, receiving, or processing of groundfish is begun or resumed in an area after the effective date of a notification prohibiting directed fishing in the same area under § 679.20 or § 679.21 until:

(i) The offload or transfer of all fish or fish product from that vessel;

(ii) The vessel enters or leaves an area where a different directed fishing prohibition applies; or

(iii) The end of a weekly reporting period, whichever comes first.

(2) With respect to the IFQ program, the period beginning when a vessel operator commences harvesting IFQ species and ending when the vessel operator lands any species.

(3) With respect to Part E of this part, one of the following periods:

(i) For a vessel used to process groundfish or a catcher vessel used to deliver groundfish to a mothership, a weekly reporting period during which one or more fishing days occur.

(ii) For a catcher vessel used to deliver fish to other than a mothership, the time period during which one or more fishing days occur, that starts on the day when fishing gear is first deployed and ends on the day the vessel offloads groundfish, returns to an Alaskan port, or leaves the EEZ off Alaska and adjacent waters of the State of Alaska.

Fishing year means 0001 hours, A.l.t., on January 1, through 2400 hours, A.l.t., on December 31 (see § 679.23).

Food bank distributor means a tax-exempt organization with the primary purpose of distributing food resources to hunger relief agencies.

Food bank network means a tax-exempt organization with the primary purpose of coordinating receipt and delivery of food resources to its member food bank distributors or hunger relief agencies.

Footrope means a chain or wire rope attached to the bottom front end of a trawl and attached to the fishing line.

Gear deployment means:

(1) For trawl gear: Where the trawl gear reaches the fishing level and begins to fish.

(2) For jig/troll, hook-and-line, or longline gear: Where the gear enters the water.

(3) For pot-and-line gear: Where the first pot enters the water.

Gear retrieval means:

(1) For trawl gear: Where retrieval of trawl cable commences.

(2) For jig/troll gear: Where the jig/troll gear leaves the water.

(3) For hook-and-line or longline pot gear: Where the last hook-and-line or longline pot gear of a set leaves the water, regardless of where the majority of the haul or set took place.

(4) For pot-and-line gear: Where the last pot of a set leaves the water.

Governor means the Governor of the State of Alaska.

Groundfish means target species and the "other species" category, specified annually pursuant to § 679.20(a)(2).

Gulf of Alaska (GOA) means that portion of the EEZ contained in Statistical Areas 610, 620, 630, 640, and 650 (see Figure 3 of this part).

Halibut means Pacific halibut (*Hippoglossus stenolepis*).

Halibut CDQ reserve means the amount of the halibut catch limit for IPHC regulatory areas 4B, 4C, 4D, and 4E that is reserved for the halibut CDQ program (see § 679.31(b)).

Harvesting or to harvest means the catching and retaining of any fish.

Headrope means a rope bordering the top front end of a trawl.

Herring Savings Area means any of three areas in the BSAI presented in Figure 4 (see also § 679.21(e)(7)(v) for additional closure information).

High Seas Salmon Management Area means the portion of the EEZ off Alaska east of 175 degrees E. long. The High Seas Salmon Management Area is divided into a West Area and an East Area:

(1) The *West Area* consists of the waters of the High Seas Salmon Management Area which are west of 143°53'36" W. long. (Cape Suckling).

(2) The *East Area* consists of the waters of the High Seas Salmon Management Area east of 143°53'36" W. long.

Hunger relief agency means a tax-exempt organization with the primary purpose of feeding economically disadvantaged individuals free of charge.

Indictment, for purposes of subpart E of this part, means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense must be given the same effect as an indictment.

Individual means a natural person who is not a corporation, partnership, association, or other such entity.

Individual fishing quota (IFQ) means the annual catch limit of sablefish or halibut that may be harvested by a person who is lawfully allocated a harvest privilege for a specific portion of the TAC of sablefish or halibut.

IFQ crew member means any individual who has at least 150 days experience working as part of the harvesting crew in any U.S. commercial fishery, or any individual who receives an initial allocation of QS. For purposes of this definition, "harvesting" means work that is directly related to the catching and retaining of fish. Work in support of harvesting, but not directly involved with harvesting, is not considered harvesting crew work. For example, searching for fish, work on a fishing vessel only as an engineer or cook, or work preparing a vessel for a fishing trip would not be considered work of a harvesting crew.

IFQ halibut means any halibut that is harvested with fixed gear in any IFQ regulatory area.

IFQ landing means the unloading or transferring of any IFQ halibut, IFQ sablefish, or products thereof from the vessel that harvested such fish.

IFQ regulatory area means:

(1) With respect to IFQ halibut, areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E as prescribed in the annual management measures published in the FEDERAL REGISTER pursuant to § 300.62 of chapter III of this title.

(2) With respect to IFQ sablefish, any of the three regulatory areas in the GOA and any subarea of the BSAI, and all waters of the State of Alaska between the shore and the inshore boundary of such regulatory areas and subareas, except waters of Prince William Sound and areas in which sablefish fishing is managed under a State of Alaska limited entry program.

IFQ sablefish means any sablefish that is harvested with fixed gear, either in the EEZ off Alaska or in waters

of the State of Alaska, by persons holding an IFQ permit, but does not include sablefish harvested in Prince William Sound or under a State of Alaska limited entry program.

Inshore component (applicable through December 31, 1998) means the following three categories of the U.S. groundfish fishery that process pollock harvested in a directed fishery for pollock in the GOA or BSAI, or Pacific cod harvested in a directed fishery for Pacific cod in the GOA, or both:

- (1) Shoreside processing operations.
- (2) Vessels less than 125 ft (38.1 m) in LOA, that process no more than 126 mt per week in round-weight equivalents of an aggregate amount of those fish.
- (3) Vessels that process those fish at a single geographic location in Alaska State waters during a fishing year. For the purposes of this definition, NMFS will determine the single geographic location in a fishing year for an individual processor from the geographic coordinates the vessel operator reports on the check-in report (§679.5(h)) when that vessel first engages in processing those fish.

IPHC means International Pacific Halibut Commission (see part 300 of chapter III of this title).

King crab means red king crab (*Paralithodes camtschatica*), blue king crab (*P. platypus*), brown (or golden) king crab (*Lithodes aequispina*), and scarlet (or deep sea) king crab (*Lithodes couesi*).

Landing means offloading fish.

Legal landing (applicable through June 30, 2000) means any amount of a moratorium species that was or is landed in compliance with Federal and state commercial fishing regulations in effect at the time of the landing.

Legal landing of halibut or sablefish (see §679.40(a)(3)(v)).

Legal proceedings, for purposes of subpart E of this part, means any civil judicial proceeding to which the Government is a party or any criminal proceeding. The term includes appeals from such proceedings.

Length overall (LOA) of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor

brackets, and similar fittings or attachments (see Figure 6 of this part; see also maximum LOA, original qualifying LOA, and reconstruction).

Logbook means Daily Cumulative Production Logbook (DCPL), Daily Cumulative Logbook (DCL), or a Daily Fishing Logbook (DFL) required by §679.5.

Lost or destroyed vessel (applicable through December 31, 1998) means a vessel that has sunk at sea or has been destroyed by fire or other accident and has been reported to the USCG on USCG Form 2692, Report of Marine Casualty.

Management area means any district, regulatory area, subpart, part, or the entire GOA or BSAI.

Manager, with respect to any shoreside processor or buying station, means the individual responsible for the operation of the shoreside processor operation or buying station.

Maximum LOA (applicable through December 31, 1998), with respect to a vessel's eligibility for a groundfish or crab moratorium permit, means:

- (1) Except for a vessel under reconstruction on June 24, 1992, if the original qualifying LOA is less than 125 ft (38.1 m) LOA, 1.2 times the original qualifying LOA or 125 ft (38.1 m), whichever is less.

- (2) Except for a vessel under reconstruction on June 24, 1992, if the original qualifying LOA is equal to or greater than 125 ft (38.1 m), the original qualifying LOA.

- (3) For an original qualifying vessel under reconstruction on June 24, 1992, the LOA on the date reconstruction was completed, provided that maximum LOA is certified under §679.4(c)(9).

Moratorium crab species (applicable through December 31, 1998) means species of king or Tanner crabs harvested in the Bering Sea and Aleutian Islands Area, the commercial fishing for which is governed by this part.

Moratorium groundfish species (applicable through December 31, 1998) means species of groundfish, except sablefish caught with fixed gear, harvested in the GOA or in the BSAI, the commercial fishing for which is governed by this part.

Moratorium qualification (applicable through December 31, 1998) with respect to the groundfish and crab vessel moratorium program means a transferable prerequisite for a moratorium permit.

Moratorium species means:

(1) (Applicable through June 30, 2000) any scallop species.

(2) (Applicable through December 31, 1998) any moratorium crab species or moratorium groundfish species.

Mothership means:

(1) A vessel that receives and processes groundfish from other vessels; or

(2) With respect to subpart E of this part, a processor vessel that receives and processes groundfish from other vessels and is not used for, or equipped to be used for, catching groundfish.

Nearshore Bristol Bay Trawl Closure Area of the BSAI (see § 679.22(a)(9))

Net-sounder device means a sensor used to determine the depth from the water surface at which a fishing net is operating.

Non-allocated or nonspecified species means those fish species, other than prohibited species, for which TAC has not been specified (e.g., grenadier, prowlfish, lingcod).

NMFS investigator, for purposes of subpart E of this part, means a designee authorized by the Regional Administrator to conduct investigations under this section.

North Pacific fishery means any commercial fishery in state or Federal waters off Alaska.

Observed or observed data refers to data collected by observers (see § 679.21(f)(7) and subpart E of this part).

Observer means any individual that is awarded NMFS certification to serve as an observer under this part, is employed by an observer contractor for the purpose of providing observer services to vessels or shoreside processors under this part, and is acting within the scope of his/her employment.

Observer contractor means any person that is awarded NMFS certification to provide observer services to vessels and shoreside processors under subpart E and who contracts with observers to provide these services.

Observer Program Office means the administrative office of the Groundfish Observer Program located at Alaska

Fisheries Science Center (see **ADDRESSES**, part 600).

Offshore component (applicable through December 31, 1998) means all vessels not included in the definition of "inshore component" that process pollock caught in directed fisheries for pollock in the GOA or BSAI, or Pacific cod caught in directed fisheries for Pacific cod in the GOA, or both.

Optimum yield means:

(1) With respect to the High Seas Salmon Fishery, that amount of any species of salmon which will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities, as specified in the Salmon FMP.

(2) With respect to the groundfish fisheries, see § 679.20(a)(1).

Original qualifying LOA (applicable through December 31, 1998) means the LOA of the original moratorium qualifying vessel on June 24, 1992.

Original qualifying vessel (applicable through December 31, 1998) means a vessel that made a legal landing during the moratorium qualifying period.

Other species is a category that consists of groundfish species in each management area that are not specified as target species (see Table 1 of the specifications provided at § 679.20(c)).

Person means:

(1) (Applicable through December 31, 1998). For purposes of the moratorium, any individual who is a citizen of the United States or any U.S. corporation, partnership, association, or other entity (or their successor in interest), whether or not organized or existing under the laws of any state.

(2) For purposes of IFQ species, any individual who is a citizen of the United States or any corporation, partnership, association, or other entity (or their successor in interest), whether or not organized or existing under the laws of any state, who is a U.S. citizen.

(3) For purposes of High Seas Salmon Fishery permits issued under § 679.4(h), the term "person" excludes any nonhuman entity.

Personal use fishing means, for purposes of the High Seas Salmon Fishery, fishing other than commercial fishing.

Pollock roe means product consisting of pollock eggs, either loose or in sacs or skeins.

Preponderance of the evidence, for purposes of subpart E of this part, means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

Processing, or *to process*, means the preparation of fish to render it suitable for human consumption, industrial uses, or long-term storage, including but not limited to cooking, canning, smoking, salting, drying, freezing, or rendering into meal or oil, but does not mean icing, bleeding, heading, or gutting.

Processor means any shoreside processor, catcher/processor, mothership, any person who receives groundfish from fishermen for commercial purposes, any fisherman who transfers groundfish outside of the United States, and any fisherman who sells fish directly to a restaurant or to an individual for use as bait or personal consumption.

Processor vessel means, unless otherwise restricted, any vessel that has been issued a Federal fisheries permit and that can be used for processing groundfish.

Prohibited species catch (PSC) means any of the species listed in § 679.21(b).

PRR means standard product recovery rate (see Table 3 of this part).

Qualified applicant (see Western Alaska CDQ Program, § 679.30(d)(6)).

Qualified person (see IFQ Management Measures, § 679.40(a)(2)).

Qualifying period (applicable through December 31, 1998) with respect to the groundfish and crab vessel moratorium program means the period to qualify for the moratorium from January 1, 1988, through February 9, 1992.

Quarter, or *quarterly reporting period*, means one of four successive 3-month periods, which begin at 0001 hours, A.l.t., on the first day of each quarter, and end at 2400 hours, A.l.t., on the last day of each quarter, as follows:

- (1) 1st quarter: January 1 through March 31.
- (2) 2nd quarter: April 1 through June 30.
- (3) 3rd quarter: July 1 through September 30.
- (4) 4th quarter: October 1 through December 31.

Quota share (QS) means a permit, the face amount of which is used as a basis for the annual calculation of a person's IFQ.

Reconstruction (applicable through December 31, 1998) means a change in the LOA of the vessel from its original qualifying LOA.

Red King Crab Savings Area (RKCSA) of the BSAI (see § 679.22(a)(3)).

Red King Crab Savings Subarea (RKCSS) of the BSAI (see § 679.21(e)(3)(ii)(B)).

Regional Administrator, for purposes of this part, means the Administrator, Alaska Region, NMFS, as defined at § 600.10 of this chapter, or a designee.

Regulatory area means any of three areas of the EEZ in the GOA (see Figure 3 of this part).

Reporting area means any of the areas described in Figures 1 and 3 of this part.

Resident fisherman (see § 679.30(d)(7)).

Round weight or round-weight equivalent, for purposes of this part, means the weight of groundfish calculated by dividing the weight of the primary product made from that groundfish by the PRR for that primary product as listed in Table 3 of this part, or, if not listed, the weight of groundfish calculated by dividing the weight of a primary product by the standard PRR as determined using the best available evidence on a case-by-case basis.

Sablefish (black cod) means *Anoplopoma fimbria*.

Sablefish CDQ reserve means 20 percent of the sablefish fixed gear TAC for each subarea in the BSAI for which a sablefish TAC is specified (see § 679.31(c)).

Salmon means the following species:

- (1) Chinook (or king) salmon (*Oncorhynchus tshawytscha*);
- (2) Coho (or silver) salmon (*O. kisutch*);
- (3) Pink (or humpback) salmon (*O. gorbuscha*);
- (4) Sockeye (or red) salmon (*O. nerka*); and
- (5) Chum (or dog) salmon (*O. keta*).

Scallop(s) means any species of the family Pectinidae, including, without limitation, weathervane scallops (*Patinopecten caurinus*).

SDP means the Salmon Donation Program established under this section.

SDP permit means a permit issued by NMFS to an applicant who qualifies as an authorized distributor for purposes of the SDP.

Set means a string of pots or hook-and-line gear or a group of pots that is deployed in a similar location with similar soak time.

Shoreside processor means any person or vessel that receives unprocessed groundfish, except catcher/processors, motherships, buying stations, restaurants, or persons receiving groundfish for personal consumption or bait.

Shucking machine means any mechanical device that automatically removes the meat or the adductor muscle from the shell.

Southeast Outside District of the GOA means that part of the Eastern Regulatory Area contained in Statistical Area 650 (see Figure 3 of this part).

Statistical area means the part of any reporting area defined in Figures 1 and 3 of this part, contained in the EEZ.

Steller Sea Lion Protection Areas (see Tables 4, 5, and 6 of this part and §§ 679.22(a)(7), (a)(8), 679.22(b)(2), and 227.12 of this title).

Stem means the forward part of a vessel—that portion of the vessel where the sides are united at the fore end with the lower end attached to the keel and the bowsprit, if one is present, resting on the upper end.

Stern means the aft part of the vessel.

Stretched mesh size means the distance between opposite knots of a four-sided mesh when opposite knots are pulled tautly to remove slack.

Superexclusive registration area means any State of Alaska designated registration area within the Bering Sea and Aleutian Islands Area where, if a vessel is registered to fish for crab, that vessel is prohibited from fishing for crab in any other registration area during that registration year.

Support vessel means any vessel that is used in support of other vessels regulated under this part, including, but not limited to, supplying a fishing vessel with water, fuel, provisions, fishing equipment, fish processing equipment or other supplies, or transporting processed fish. The term “support vessel”

does not include processor vessels or tender vessels.

Suspending official, for purposes of subpart E of this part, means a designee authorized by the Regional Administrator to impose suspension.

Suspension, as used in § 679.50, means action taken by a suspending official under § 679.50(j) to suspend certification of observers or observer contractors temporarily until a final decision is made with respect to decertification.

Tanner crab means *Chionoecetes* species or hybrids of these species.

Target species are those species or species groups, except the “other species” category, for which a TAC is specified pursuant to § 679.20(a)(2).

Tax-exempt organization means an organization that received a determination letter from the Internal Revenue Service recognizing tax exemption under 26 CFR part 1 (§§ 1.501 to 1.640).

Tender vessel means a vessel that is used to transport unprocessed fish received from another vessel to a shoreside processor, mothership, or buying station.

Transfer includes any loading, off-loading, shipment or receipt of any groundfish product, including quantities transferred inside or outside the EEZ, within any state’s territorial waters, within the internal waters of any state, at any shoreside processor, or any offsite meal reduction plant.

Trawl test areas (see Figure 7 of this part and § 679.24(d)).

U.S. citizen means:

(1) Any individual who is a citizen of the United States at the time of application for QS; or

(2) Any corporation, partnership, association, or other entity that would have qualified to document a fishing vessel as a vessel of the United States during the QS qualifying years of 1988, 1989, and 1990.

Vessel Activity Report (VAR) (see § 679.5).

Vessel operations category (see § 679.4).

Walrus Protection Areas (see § 679.22(a)(4)).

Weekly reporting period means a time period that begins at 0001 hours, A.l.t., Sunday morning (except during the first week of each year, when it starts on January 1) and ends at 2400 hours, A.l.t., the following Saturday night

(except during the last week of each year, when it ends on December 31).

West Yakutat District of the GOA means that part of the GOA Eastern Regulatory Area contained in Statistical Area 640 (see Figure 3 of this part).

Western Aleutian District means that part of the Aleutian Islands Subarea contained in Statistical Area 543 (see Figure 1 of this part).

Wing tip means the point where adjacent breast lines intersect or where a breast line intersects with the fishing line.

[61 FR 31230, June 19, 1996, as amended at 61 FR 33384, June 27, 1996; 61 FR 35578, July 5, 1996; 61 FR 38104, July 23, 1996; 61 FR 38359, July 24, 1996; 61 FR 49981, Sept. 24, 1996; 61 FR 56429, Nov. 1, 1996; 61 FR 65987, Dec. 16, 1996; 62 FR 2045, Jan. 15, 1997; 62 FR 17752, 17755, Apr. 11, 1997; 62 FR 19687, Apr. 23, 1997; 62 FR 26428, May 14, 1997; 62 FR 38944, July 21, 1997]

§ 679.3 Relation to other laws.

(a) *Foreign fishing for groundfish.* Regulations governing U.S. nationals fishing in the Russian fisheries are set forth in part 300 of chapter III of this title.

(b) *Domestic fishing for groundfish.* The conservation and management of groundfish in waters of the territorial sea and internal waters of the State of Alaska are governed by the Alaska Administrative Code at 5 AAC Chapter 28 and the Alaska Statute at A.S. 16.

(c) *Halibut.* Additional regulations governing the conservation and management of halibut are set forth in subpart E of part 300 of chapter III of this title.

(d) *King and Tanner crab.* Additional regulations governing conservation and management of king crab and Tanner crab in the Bering Sea and Aleutian Islands Area are contained in Alaska Statutes at A.S. 16 and Alaska Administrative Code at 5 AAC Chapters 34, 35, and 39.

(e) *Incidental catch of marine mammals.* Regulations governing exemption permits and the recordkeeping and reporting of the incidental take of marine mammals are set forth in § 216.24 and part 229 of this title.

(f) *Domestic fishing for high seas salmon.* (1) Additional regulations governing the conservation and management

of high seas salmon are set forth in § 600.705 of this chapter.

(2) This part does not apply to fishing for salmon by vessels other than vessels of the United States conducted under subpart H, part 660 (West Coast Salmon Fisheries) under the North Pacific Fisheries Act of 1954, 16 U.S.C. 1021-1035, concerning fishing for salmon seaward of Washington, Oregon, and California.

(3) The High Seas Salmon Fishery is administered in close coordination with ADF&G's administration of the State of Alaska's regulations governing the salmon troll fishery off Southeast Alaska. Because no commercial fishing for salmon is allowed in the EEZ west of Cape Suckling, all commercial salmon fishing west of Cape Suckling must take place in Alaska's territorial sea and, consequently, is subject to Alaska's management authority.

(4) For State of Alaska statutes and regulations governing commercial fishing, see Alaska Statutes, title 16—Fish and Game; title 5 of the Alaska Administrative Code, chapters 1-39.

(5) For State of Alaska regulations specifically governing the salmon troll fishery, see 5 Alaska Administrative Code 30 (Yakutat Area), and 5 Alaska Administrative Code 33 (Southeastern Alaska Area).

(6) For State of Alaska statutes and regulations governing sport and personal use salmon fishing other than subsistence fishing, see Alaska Statutes, title 16—Fish and Game; 5 Alaska Administrative Codes 42.010 through 75.995.

(7) For State of Alaska statutes and regulations governing subsistence fishing, see Alaska Statutes, title 16—Fish and Game; 5 Alaska Administrative Codes 01, 02, 39, and 99.010.

[61 FR 31230, June 19, 1996, as amended at 61 FR 35578, July 5, 1996; 62 FR 2045, Jan. 15, 1997; 62 FR 19688, Apr. 23, 1997]

§ 679.4 Permits.

(a) *General requirements*—(1) *Application.* (i) A person may obtain or renew an application for any of the permits under this section and must mail completed forms to the Chief, RAM Division.